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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,870	02/27/2004	Vadim Fux	555255012558	7232

89441 7590 02/17/2011  
Jones Day (RIM) - 2N  
North Point  
901 Lakeside Avenue  
Cleveland, OH 44114

EXAMINER
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PATEL, MANGLESH M

ART UNIT	PAPER NUMBER
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2178

NOTIFICATION DATE	DELIVERY MODE
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02/17/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dlpejeau@jonesday.com  
portfolioprossecution@rim.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/788,870	<b>Applicant(s)</b> FUX ET AL.	
	<b>Examiner</b> MANGLESH M. PATEL	<b>Art Unit</b> 2178	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24,26-30 and 40-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24,26-30 and 40-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This **FINAL** action is responsive to the amendment filed on 11/30/2010.
2. In the amendment Claims 24, 26-30 & 40-42 remain pending. Claims 31-39 have been canceled. Claims 24 and 40 are the independent claims.

### Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 24 and 26-30 & 40-42 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Shiimori (U.S. 7,010,587, filed Aug. 21, 2000, previously cited in the action dated 2/27/2009) further in view of Adler (U.S. 7,155,672, filed May 23, 2000, previously cited in the action dated 4/7/2008).

**Regarding Independent claim 24**, Shiimori discloses A method performed by a server, comprising: (i) storing a client profile, the client profile comprising a font capabilities list for each of multiple client devices, each font capabilities list comprising a list of fonts for which the device has font structure data, the font structure data defining the structure in which text formatted with the respective font is to be rendered (see abstract & fig 10 &

column 4, lines 16-67, disclosing a font capabilities list for each of multiple client devices and respective OS); (ii) receiving text data addressed to a designated one of the devices, the text data comprising text and font identifiers, the font identifiers identifying which fonts to use to render the text (fig 10, numeral 92, disclosing receiving text data that includes text and font identifiers such as the font name based on the determined service); (iii) comparing the font identifiers in the text data with the fonts in the capabilities list of the designated device, to determine the font identifiers for which the designated device lacks font structure data (**Although Shiimori discloses comparing font identifiers in the text data with the capabilities list of the device, he only checks for a list of fonts supported by but not residing in the device and transmits a list of only supported font structure data. Thereby he fails to teach determining/sending the lacking font structure data. The lacking font structure data is one that is not listed in the capabilities list thereby not being supported by the device**); Adler however discloses sending lacking front structure data and text data to a device thereby allowing display of content and storage. See abstract & column 12, lines 33-55 states "Only those glyphs that do not already exist on the electronic device are obtained at Step 40. At step 42, the one or more glyph sub-sets are sent to the electronic device to allow the electronic device to display one or more glyphs..." & furthermore disclosing updating the client profile on the local storage of the device with the updated font structure data residing in a file. [[Furthermore Adler discloses **"Wherein the font structure data and the text data are included in the same electronic transfer"**. Adler does indicate that the directives are embedded with the

electronic content comprising the text as a first request sent to a device, and thereafter another second request to obtain the glyph sets from the intermediate device. However Adler in another embodiment also discloses "...the intermediate network device does not scan or modify the electronic content to include the directives. The one or more directives previously included by the author of the electronic content." (see column 11, lines 14-18) Thereby he suggests to the skilled artisan that the intermediate device performs a single data transfer as seen in fig 1, sending the content with the appropriate glyph subset since the directives are already included in the content.]] At the time of the invention it would have been obvious for one of ordinary skill in the art to have modified the teachings of Shiimori for sending new unsupported & non-residing font data to a client device thereby ensuring that fonts usable by a server are also usable by any device.

Regarding Dependent claim 26, with dependency of claim 24, Although Shiimori discloses comparing font identifiers in the text data with the capabilities list of the device, he only checks for a list of fonts supported by but not residing in the device and transmits a list of only supported font structure data. Thereby he fails to teach determining/sending the lacking font structure data. The lacking font structure data is one that is not listed in the capabilities list thereby not being supported by the device); Adler however discloses sending lacking front structure data and text data to a device thereby allowing display of content and storage. See abstract & column 12, lines 33-55 states "Only those glyphs that do not already exist on the electronic

**device are obtained at Step 40.** Thereby disclosing that the server receives the text data along with attendant font structure data required to render the text data, and, in step iv, the server operatively refrains from transferring the attendant front structure data to the device in response to determining in the comparing step that the device already has the attendant font structure data. **At the time of the invention it would have been obvious for one of ordinary skill in the art to have modified the teachings of Shiimori for sending new unsupported & non-residing font data to a client device thereby ensuring that fonts usable by a server are also usable by any device.**

**Regarding Dependent claim 27, with dependency of claim 24, Although Shiimori discloses comparing font identifiers in the text data with the capabilities list of the device, he only checks for a list of fonts supported by but not residing in the device and transmits a list of only supported font structure data. Thereby he fails to teach determining/sending the lacking font structure data. The lacking font structure data is one that is not listed in the capabilities list thereby not being supported by the device); Adler however discloses sending lacking front structure data and text data to a device thereby allowing display of content and storage. See abstract & column 12, lines 33-55 states "Only those glyphs that do not already exist on the electronic device are obtained at Step 40. At the time of the invention it would have been obvious for one of ordinary skill in the art to have modified the teachings of Shiimori for sending new unsupported & non-residing font data to a client device thereby ensuring that fonts usable by a server are also usable by any device.**

**Regarding Dependent claim 28**, with dependency of claim 24, Shiimori discloses Determining whether any of the font identifiers in the received text data that are not found in the font capabilities list of the designated device have equivalent counterparts that are found in the font capabilities list of the designated device (column 4, lines 56-67 & column 5, lines 1-15).

**Regarding Dependent claims 29 and 41**, with dependency of claim 24, Shiimori discloses further comprising a step, performed before step (i), of receiving a list of client font capabilities from each of the client devices (see figs 3 & 5, wherein a list of client font capabilities from each client device is received).

**Regarding Dependent claims 30 and 42**, Shiimori discloses wherein the client devices are wireless mobile communication devices (see column 3, lines 25-60).

**Regarding Independent claim 40**, Shiimori discloses A method comprising the following steps performed by a server in the following order: (i) storing a font capabilities list for each of multiple client devices, each font capabilities list comprising a list of fonts for which the device has font structure data, the font structure data defining the structure in which text formatted with the respective font is to be rendered (see abstract & fig 10 & column 4, lines 16-67, disclosing a font capabilities list for each of multiple client devices and respective OS); (ii) receiving text data addressed to a

designated one of the devices, the text data comprising text and font identifiers, the font identifiers identifying which fonts to use to render the text (fig 10, numeral 92, disclosing receiving text data that includes text and font identifiers such as the font name based on the determined service); (iii) determining which of the text data's font identifiers is not found in the designated device's font capabilities list (see fig 10 numeral 92 where a search is performed for font file associated with the requested service which includes the needed font); (iv) requesting and receiving font structure data for said not found font identifier from another server (**Although Shiimori discloses comparing font identifiers in the text data with the capabilities list of the device, he only checks for a list of fonts supported by but not residing in the device and transmits a list of only supported font structure data. Thereby he fails to teach determining/sending the lacking font structure data. The lacking font structure data is one that is not listed in the capabilities list thereby not being supported by the device**); Adler however discloses sending lacking front structure data and text data to a device thereby allowing display of content and storage. See abstract & column 12, lines 33-55 states "Only those glyphs that do not already exist on the electronic device are obtained at Step 40. At step 42, the one or more glyph sub-sets are sent to the electronic device to allow the electronic device to display one or more glyphs..." & furthermore disclosing updating the client profile on the local storage of the device with the updated font structure data residing in a file. [[Furthermore Adler discloses **"Wherein the font structure data and the text data are included in the same electronic transfer"**. Adler does indicate that the directives are embedded with the



electronic content comprising the text as a first request sent to a device, and thereafter another second request to obtain the glyph sets from the intermediate device. However Adler in another embodiment also discloses "...the intermediate network device does not scan or modify the electronic content to include the directives. The one or more directives previously included by the author of the electronic content." (see column 11, lines 14-18) Thereby he suggests to the skilled artisan that the intermediate device performs a single data transfer as seen in fig 1, sending the content with the appropriate glyph subset since the directives are already included in the content.]] At the time of the invention it would have been obvious for one of ordinary skill in the art to have modified the teachings of Shiimori for sending new unsupported & non-residing font data to a client device thereby ensuring that fonts usable by a server are also usable by any device.

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]

### **Response to Arguments**

5. Applicant's arguments filed 11/30/2010 have been fully considered but are not persuasive.

Applicant Argues: However, the Adler reference does not suggest transmitting both the missing font data structure and the text data in the same electronic transfer. (pg 5, paragraph 4)

In other words, Adler teaches sending the electronic content and the glyphs in separate electronic data transfers. (pg 6, paragraph 2)

The Examiner partly agrees with applicant regarding a portion of what Adler discloses. In one embodiment Adler does indicate that the directives are embedded with the electronic content comprising the text as a first request sent to a device, and thereafter another second request to obtain the glyph sets from the intermediate device. However Adler in another embodiment also discloses "...the intermediate network device does not scan or modify the electronic content to include the directives. The one or more directives previously included by the author of the electronic content." (see column 11, lines 14-18) Thereby he suggests to the skilled artisan that the intermediate device performs a single data transfer as seen in fig 1, sending the content with the appropriate glyph subset since the directives are already included in the content. This simplifies the number of requests between the client and intermediate device while eliminating the steps required to insert directives into requested content.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M, W 6 am-3 pm T, TH 6 am-2pm, Fr 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel  
Patent Examiner  
2/10/2011

/Manglesh M Patel/  
Manglesh Patel  
Examiner, Art Unit 2178

/Stephen S. Hong/

Supervisory Patent Examiner, Art Unit 2178